

## **EXHIBIT 1**



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# MISFIT

**Word Mark** MISFIT

**Goods and Services** IC 043. US 100 101. G & S: Coffee shops. FIRST USE: 20171100. FIRST USE IN COMMERCE: 20171100

**Standard Characters**

Claimed

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 88981221

**Filing Date** April 13, 2020

**Current Basis** 1A

**Original Filing Basis** 1A;1B

**Published for** June 15, 2021

**Opposition**

**Registration Number** 6466477

**Registration Date** August 31, 2021

**Owner** (REGISTRANT) Misfit Coffee Company LLC LIMITED LIABILITY COMPANY MINNESOTA 207 Humboldt Ave North Minneapolis MINNESOTA 55405

**Attorney of Record** Todd R. Fronek

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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## EXHIBIT 1

## **EXHIBIT 2**



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## Trademarks > Trademark Electronic Search System (TESS)

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M I S  
I I F

Word Mark	MISFIT
Goods and Services	IC 043. US 100 101. G & S: Coffee shops. FIRST USE: 20171100. FIRST USE IN COMMERCE: 20171100
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	88981222
Filing Date	April 13, 2020
Current Basis	1A
Original Filing Basis	1A;1B
Published for Opposition	June 15, 2021
Registration Number	6466478
Registration Date	August 31, 2021
Owner	(REGISTRANT) Misfit Coffee Company LLC LIMITED LIABILITY COMPANY MINNESOTA 207 Humboldt Ave North Minneapolis MINNESOTA 55405
Attorney of Record	Todd R. Fronek
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the letters "MIS" located above the letters "FIT". The letters "FIT" are shown upside down and backwards.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

## EXHIBIT 2

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## EXHIBIT 2

## **EXHIBIT 3**

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4,378.47  
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**Dow 30**34,535.33  
-334.04 (-0.96%)**Nasdaq**14,643.81  
-326.16 (-2.18%)**Russell 2000**2,242.69  
-38.32 (-1.68%)**Crude Oil**75.42  
-0.03 (-0.04%)

(⌚) U.S. markets close in 5 hours 16 minutes

Tribune Publishing

## Louisville, Kentucky Launches New Policy For Cars Used Less Than 49 Miles/Day

# Misfits Collective food hall coming to Apple Valley

**Jess Fleming, Pioneer Press, St. Paul, Minn.**

July 1, 2021 · 2 min read

Jul. 1—Tony Donatell, the king of cool suburban restaurants, is taking his operations to Apple Valley.

The Misfits Collective, opening in the former PR's Sports Bar on Florence Trail, is his biggest venture yet — a food hall of sorts with four concepts under one roof.

Donatell is the guy behind Burgers and Bottles, Volstead House, Mean Miner's Tacos and Farmer's Grandson in Eagan; Bourbon Butcher in Farmington; Whiskey Inferno in Savage; and Tequila Butcher in Chanhassen, most of which occupy formerly unremarkable spaces in strip malls, gas stations and previous Applebee's buildings.

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## TRENDING

1. UPDATE 1-U.S. environment agency urged by 21 states to toughen vehicle emissions rewrite
2. Sempra Takes \$1.1 Billion Hit for Worst-Ever U.S. Gas Leak
3. Chile cenbank to decide on roll-out of digital currency in 2022
4. 'Zero Contact' to be first feature film to be distributed using NFTs
5. White House Council of Economic Advisers breaks down a busy week in D.C.

0:15 / 0:15

This concept, he says, was born during the pandemic.

"Basically, this entire brand was inspired by how our team came together during the shutdowns," Donatell said. "It's

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Curiouser Coffee: A counter-service coffee and coffee cocktail concept that is inspired by Alice in Wonderland. It's from beverage director Ralena Young, and you should expect coffee drinks that use house-made syrups, tinctures, bitters and "flavor profiles you wouldn't see in a normal coffee shop," said marketing director Emily Johnson. There are also breakfast and lunch options — from a breakfast burrito to oatmeal to sandwiches and desserts, including ice cream.



Ratio: A counter-service cocktail bar from Young featuring "perfectly balanced cocktails" and Detroit-style pizza. Also, house-made, wood-fired pizza rolls.

The Wanderer: A walk-up outdoor bar that will feature a rotating, globally inspired menu. Donatell said it's a way for every member of the team, many of whom come from different parts of the globe, to be able to showcase their culture and cuisine. The opening menu is from Mexico, and the bar program will feature cocktails that fit into that niche.

Eighth Fire: A full-service concept inspired by chef Dan Bennett in which plates meant for sharing are cooked over a live open flame. There's everything from pizza and vegetables cooked in embers to whole roasted chickens and lamb shanks and wood-fired desserts like a s'mores quesadilla and a rhubarb strawberry crisp.

Donatell, who has been holding soft-opening dinners for the past few days, said neighborhood reaction has been extremely positive, and the closing of a few higher-end restaurants in the area has really left an opening for this sort of thing.

The concept opens to the public at 6 a.m. July 5.

The Misfits Collective: 14889 Florence Trail, Apple Valley; 952-236-8115; [themisfitscollective.co](http://themisfitscollective.co)

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Misfits Collective food hall coming to Apple Valley

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## RECOMMENDED STORIES



**Motley Fool**

### Why BioNTech, Moderna, and Novavax Stocks Are Sliding Today

What happened Shares of several COVID-19 vaccine makers were sliding on Monday. BioNTech stock (NASDAQ: BNTX) was down 6.5% at 12:09 p.m. EDT. Shares of Moderna (NASDAQ: MRNA) had slipped 4.4%. Novavax...

6h ago

**Motley Fool**

### Why the Infrastructure Bill Has These 3 Stocks Soaring Today

A vote on the bipartisan infrastructure bill is scheduled for this Thursday in the House of Representatives.

3h ago

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### \$12 Trillion Shakeup Driving New Stock Boom

After analyzing 25,000+ stocks, one analyst uncovered a massive trend that's currently underway. And he gives his top pick away for free right here

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**Motley Fool**

### **Why Bloom Energy, FuelCell Energy, and Plug Power Stocks Popped Today**

Ending the week on a sour note, shares of Bloom Energy (NYSE: BE), FuelCell Energy (NASDAQ: FCEL), and Plug Power (NASDAQ: PLUG) all tumbled lower on Friday. As of 11:48 a.m. EDT, shares of Bloom Energy are...

3h ago

**Motley Fool**

### **Why Nio and Nikola Stocks Are Higher Today, but Canoo Is Sinking**

Names in the electric vehicle sector sometimes move as a group, but three stocks that are doing their own thing today are Nio (NYSE: NIO), Nikola (NASDAQ: NKLA), and Canoo (NASDAQ: GOEV). As of 11:30 a.m. EDT, Nio...

4h ago

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### **Pensioners in Minnesota Snap Up Amazing New Hearing Aid**

If you are a resident of Minnesota You no longer have to struggle with hearing loss, thanks to recent developments in hearing technology.

**Insider Monkey**

### **Billionaire Ray Dalio is Buying These 10 Stocks**

In this article, we reviewed Bridgewater Associates founder Ray Dalio's portfolio adjustment strategies to cope up with the market volatility. We also discussed the top ten stocks billionaire Ray Dalio is buying. You can...

7h ago

**MarketWatch**

### **SEC charges two over wash trades in GameStop and other so-called meme stocks**

The Securities and Exchange Commission charged two traders with engaging in so-called "wash trading" of meme stocks, including GameStop, Inc. in alleged scheme that netted them hundreds of thousands of dollars...

6h ago

**Benzinga**

### **Why Gevo Shares Are Trading Higher Today**

Gevo Inc (NASDAQ: GEVO) is trading higher Monday after the company announced that it received a patent from the United States Patent and Trademark Office for a process that encompasses upgrading ethanol and...

5h ago

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### **Discover a natural burial alternative near Bloomington**

The Star Tribune reveals the fastest-growing alternative to cemeteries in America.

**SmartAsset**

### **What Is the Cost Basis of Inherited Stock?**

Sometimes an inheritance includes more than a house or an heirloom vase. Investors can choose to pass down to their heirs financial securities like stocks. Determining the value of such a bequest is vital. Without the proper calculations or procedures, ... Continue reading → The post What Is the Cost Basis of Inherited Stock? appeared first on...



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The Dow Jones rose. Nancy Pelosi made an infrastructure bill move. AMD stock offered a...

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**Motley Fool****The Pandemic Crushed These 2 Stocks. They're Bouncing Back Monday**

Shares of Carnival were up almost 5%. The gains continued a rally over the past week that has seen the cruise ship giant's stock jump 16% from its close last Tuesday. Carnival's gains picked up steam on Friday, when the...

6h ago



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**Home Depot billionaire says look out America**

Ken Langone, the co-founding billionaire of Home Depot, went on CNBC recently to explain a big problem for Americans and their money.

**Barrons.com****Plug Power Stock Is Rising. It's a Bet on a Hydrogen Network.**

Citigroup analyst P.J. Juvekar visited Plug Power recently and came away impressed with its plans to expand its hydrogen-gas-making capabilities.

6h ago

**Motley Fool****2 of the Best Stocks You Can Buy at a Huge Discount Right Now**

The broad stock market might be near an all-time high, but game-changing companies C3.ai and Zillow certainly aren't.

9h ago

**Motley Fool****Why Are the Nasdaq's Top Growth Stocks Freaking Out Monday?**

The stock market was deeply divided on Monday, with certain sectors doing far better than others. In a relatively unusual development, the Nasdaq Composite (NASDAQINDEX: ^IXIC) found itself on the short end ...

2h ago

Ad • True Market Insiders

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**Man Who Predicted 2020 Crash Issues Huge Warning**

Wall street insider Chris Rowe says, "fortunes will be made, and lost... in what will go down as the greatest stock market event in the last 20 years."

**Insider Monkey****Is NVIDIA Corporation (NVDA) A Great Investment Pick?**

Harding Loevner, an investment management firm, published its "Global Equity Fund" second-quarter 2021 investor letter – a copy of which can be downloaded here. A return of 10.70% was recorded by the fund for the Q...

5h ago

**Benzinga****Why Naked Brand Shares Continue To Rise Today**

Naked Brand Group Ltd (NASDAQ: NAKD) is continuing to trade higher



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### 3 Stocks We Are Buying in This Wild September

The market's recent volatility may have you feeling skittish, but it has turned some good...

1d ago

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#### She Was A Star, Now She Works In Bloomington

Have you seen her?

Motley Fool

#### 3 Biotech Stocks That Could Make You Filthy Rich

Biotech stocks have been some of the most reliable capital-appreciation vehicles in the entire market for the past two decades. As proof, biotech equities such as CRISPR Therapeutics, Moderna, Novavax, Ocugen, and...

8h ago

Yahoo Finance Video



#### Amazon target cut, Lordstown cut to sell, Coinbase introducing direct deposit of paychecks

Yahoo Finance's Jared Blikre reports on the day's trending tickers.

3h ago

Bloomberg

#### Leonardo DiCaprio-Backed Polestar Valued at \$20 Billion in SPAC Deal

(Bloomberg) -- Polestar, the electric-vehicle maker backed by Volvo Car Group and actor Leonardo DiCaprio, agreed to go public through a merger with a blank-check company at a roughly \$20 billion enterprise...

6h ago

## **EXHIBIT 4**



OUR CONCEPTS

A square icon for 'CURIOUSER COFFEE' featuring a stylized coffee cup icon above the word 'CURIOUSER' and 'COFFEE' below it.

A square icon for 'RATIO ALCHEMY + BEVERAGE' featuring a stylized 'R' and 'A' logo above the words 'ALCHEMY + BEVERAGE'.

A square icon for 'THE WANDERER' featuring a circular logo with two peaks and the text 'THE WANDERER' and 'LEAVESURE-INSPIRED FRONTRUNTERS' below it.

A square icon for 'EIGHTH FIRE' featuring a circular logo with a wood-grain texture and the text 'EIGHTH FIRE' below it.

ORDER FOR DELIVERY

DOORDASH

**OUR STORY**

The implication of the saying "Be there or be square" is that if you're not where everyone else is, or doing what everyone else is doing, you're missing out...  
**YOU'RE A SQUARE**

But what happens when you dare to be square? What happens if you go against the grain? Make a new path? Break some rules? Push some boundaries? Be different? Dare to be square?

**BE A MISFIT.**

**Mis-fit (noun)**  
a person whose behavior or attitude sets them apart from others in an uncomfortably conspicuous way.

The Misfits Collective challenges convention by putting our team's purposeful individualism on display to create flavors and experiences like never before in an inspiring, multi-concept food hall style setting.

Featuring 4 unique personalities- live-fire fare from [Eighth Fire](#), Detroit style square pizza and elaborately balanced craft cocktails from [Ratio](#), caffeinated elixirs and confections from [Curiouser Coffee](#), and [The Wanderer](#) outdoor bar and patio with a regionally rotating menu inspired by adventure and cultural exploration around the world.

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## **EXHIBIT 5**



The image shows a dark-themed website for Curiouser Coffee. At the top center is the logo, which consists of a stylized leaf or flower icon above the word "CURIOSER" in a serif font, with "COFFEE" in a smaller sans-serif font below it. In the top right corner is a small circular menu icon. The background features a large, dark, artistic photograph of a coffee cup and saucer.

**ABOUT**

In Lewis Carroll's Alice's Adventures in Wonderland, Alice's exclamation "Curiouser & Curiouser" suggests that both her surroundings and the language she uses to describe them expand beyond expectation and conception when put in an environment that questions her reality. Curiouser Coffee aims to inspire this with every sip. Coffee is meant to connect people, inspire ideas, energize you, and possibly even convince you to believe 7 impossible things before breakfast.

ONLINE ORDERING COMING SOON

**MENU**

[VIEW FULL MENU →](#)

**HOURS**

Sunday	10am - 10pm
Monday	10am - 10pm
Tuesday	10am - 10pm
Wednesday	10am - 10pm
Thursday	10am - 10pm
Friday	10am - 10pm
Saturday	10am - 10pm
Breakfast	10am - 2pm
Lunch	11am - 4pm

Kitchen closes at 10pm every night

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The screenshot shows the homepage of the Ratio website. At the top left is a small circular logo with a stylized letter 'N'. At the top center is the Ratio logo, which consists of the word "RATIO" in a large serif font with a triangle icon between the 'R' and 'A', and the words "ALCHEMY + REVELRY" in a smaller sans-serif font below it. At the top right is a small circular menu icon with three horizontal lines. The background is a dark, slightly blurred image of a hand holding a cocktail glass.

[order for delivery →](#)

**ABOUT**

The "Golden Ratio" is commonly found in nature and design, producing compositions that are the most aesthetically pleasing to the eye. Our Misfits begged the question "What happens when you apply this concept to flavor and presentation?", inspiring "Ratio" as the first addition to the Misfits Collective.

Ratio is a walk-up style service concept featuring a meticulously crafted list of one-of-a-kind signature cocktails and Detroit-style pizzas. Bite into the signature golden, light and airy Detroit-style crust, loaded with toppings, topped with sauce and surrounded by caramelized cheese. Mixologists create every cocktail with an obsessive eye for detail and a dash of theater. Ratio is all about balance- in flavor, in presentation, in alchemy & revelry.

**MENU**

[view full menu →](#)

**HAPPY HOUR**  
4PM-5PM &  
9PM-11PM DAILY  
1/2 off signature drinks  
\$5 Beer & Bump

**HOURS**

Sunday	11am - 11pm
Monday	11am - 11pm
Tuesday	11am - 11pm
Wednesday	11am - 11pm
Thursday	11am - midnight
Friday	11am - 1am
Saturday	11am - 1am

Reservations Not Available  
Kitchen closes at 10pm every night

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**THE WANDERER**  
ADVENTURE-INSPIRED PROVISIONS

**ABOUT**

The Wanderer Outdoor Bar & Patio encourages exploration of adventure inspired provisions, representing the courage to leave the known and engage in new perspectives.

Step up to the outdoor bar to order from this walk-up service concept. Relax with a refreshing, vacation inspired cocktail. Dive into the flavors and flair of our featured resident Misfit with a rotating menu from every corner of the world.

**MENU**

[VIEW FULL MENU →](#)

**HAPPY HOUR**  
4PM - 5PM &  
9PM - 11PM

\$5 margaritas + \$1 add on options  
\$5 Beer & Bump

**HOURS**

Sunday	11am - 1pm
Monday	11am - 1pm
Tuesday	11am - 1pm
Wednesday	11am - 1pm
Thursday	11am - midnight
Friday	11am - 1am
Saturday	11am - 1am

Reservations Not Available  
Kitchen closes at 10pm every night



## EIGHTH FIRE

[make a reservation →](#)

### ABOUT

All life begins and ends in fire. The Eight Fire represents a critical tipping point in society and how we experience humanity as a whole. Just like the process of cooking with flame, life itself is unpredictable, but we are forged in flame. With a shareable style menu, this open-flame concept is designed to bring people together around the table to experience something more meaningful.

### MENU

[view full menu →](#)

### HOURS

Sunday	5pm - 10pm
Monday	5pm - 10pm
Tuesday	5pm - 10pm
Wednesday	5pm - 10pm
Thursday	5pm - 10pm
Friday	5pm - 10pm
Saturday	5pm - 10pm

Kitchen closes at 10pm every night

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## **EXHIBIT 6**

## Business Record Details »

Minnesota Business Name

**The Misfits Collective**

**Business Type**

Assumed Name

**MN Statute**

333

**File Number**

1199625200022

**Home Jurisdiction**

Minnesota

**Filing Date**

12/11/2020

**Status**

Active / In Good Standing

**Renewal Due Date**

12/31/2021

**Principal Place of Business Address**

14663 Quebec Place

Savage, MN 55378

USA

**Nameholder**

**Nameholder Address**

Rheata Donatell

14663 Quebec Place, Savage, MN 55378

**Filing History**

## Filing History

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<input type="checkbox"/>	12/11/2020	Original Filing - Assumed Name (Business Name: The Misfits Collective)	

## **EXHIBIT 7**

# Larkin Hoffman

**Larkin Hoffman**

8300 Norman Center Drive  
Suite 1000  
Minneapolis, MN 55437-1060

General: 952-835-3800  
Fax: 952-896-3333  
Web: [www.larkinhoffman.com](http://www.larkinhoffman.com)

August 16, 2021

Ms. Rheata Donatell  
The Misfits Collective  
14663 Quebec Place  
Savage, MN 55378

**VIA Certified Mail and email to**  
**[themisfitscollective@gmail.com](mailto:themisfitscollective@gmail.com)**

Re: Trademark Likelihood of Confusion

Dear Ms. Donatell:

Our firm represents Misfit Coffee Company, LLC (“Misfit Coffee”) with respect to legal matters, including intellectual property. Misfit Coffee has asked our firm to assist in reaching out to you with respect to your use of the mark THE MISFITS COLLECTIVE.

Misfit Coffee has been actively using the mark MISFIT since 2015 and has invested a great deal of resources protecting its intellectual property. Misfit Coffee has built a strong reputation through its use of the MISFIT mark in connection with coffee, coffee shops, coffee trucks, food services, kiosk operation and event catering. Throughout its history, Misfit Coffee has provided quality services to its customers as reflected in its MISFIT mark. This dedication to quality has led to a solid reputation within Minnesota and around the country. Furthermore, Misfit Coffee is the owner of U.S. Trademark App. Ser. Nos. 88/870,006; 88/870,013; 88/981,221 and 88/981,222 for its MISFIT mark and logo.

Recently, it has come to our attention that you have been using the mark THE MISFITS COLLECTIVE in connection with restaurant services in Apple Valley, Minnesota. Your collective further includes a coffee shop, which has led to several incidents of actual confusion between our client’s MISFIT mark and your use of THE MISFITS COLLECTIVE. These incidents relate to confusion with respect to location, social media references and connections between Misfit Coffee and your collective. Your continued use of the mark THE MISFITS COLLECTIVE will cause further confusion between your collective and the use of the MISFIT mark by Misfit Coffee.

Given the confusion that your collective creates, it is our respectful request that you change the name of your collective and stop any further use of the marks THE MISFITS COLLECTIVE, MISFIT and any other confusingly similar marks in connection with food, coffee or restaurant services. Furthermore, it is respectfully requested you permanently change the URL for your collective and stop using the URL [www.themisfitscollective.co](http://www.themisfitscollective.co).

Ms. Rheata Donatell

August 16, 2021

Page 2

Please advise the undersigned, in writing, by August 31, 2021, that you will comply with the above demands.

We appreciate your prompt compliance with the requests above. If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,



Todd R. Fronek, for  
Larkin Hoffman

Direct Dial: 952-896-3295  
Direct Fax: 952-842-1715  
Email: [tfronek@larkinhoffman.com](mailto:tfronek@larkinhoffman.com)

4836-0621-3622, v. 1

## **EXHIBIT 8**



Writer's Email: [jclancy@quinlivan.com](mailto:jclancy@quinlivan.com)

Writer's Direct Dial: (320) 258-7857

**VIA CERTIFIED MAIL AND EMAIL**

August 26, 2021

Larkin Hoffman  
Attn: Todd R. Fronek  
8300 Norman Ctr. Dr., Ste. 1000  
Minneapolis, MN 55437-1060

RE: Trademark Likelihood of Confusion  
Our File #226391.26391

Dear Mr. Hoffman:

Our firm represents Ms. Rheata Donatell on all business related matters. This letter confirms receipt of your correspondence regarding The Misfits Collective claimed trademark infringement noting the likelihood of confusion dated August 16, 2021. Be advised that the assumed name filing with the Minnesota Secretary of State identifying my client as the nameholder of The Misfits Collective was made in error.

The appropriate nameholder of The Misfits Collective is Tony Donatell. I have reached out to Mr. Donatell's attorney to address the error and remove my client from this dispute. Mr. Donatell agreed to an assignment and amendment of The Misfits Collective assumed name. This assignment and amendment is made in an effort to correct the filing error.

To that end, I can provide you and your client with an executed assignment and assumption agreement and amendment to assumed name confirming Mr. Donatell as the true nameholder of The Misfits Collective. I am advised by Mr. Donatell's attorney that you are in contact with him to resolve the matter. With that said, I respectfully request that your client release my client from any and all claims regarding this matter as the filing was made in error and the matter should be addressed with Mr. Donatell and his attorney.

We appreciate your prompt attention to this matter. If you have any questions or would like to discuss, please feel free to contact me.

Sincerely,

A blue ink signature of Jeffrey P. Clancy.  
Jeffrey P. Clancy  
Attorney at Law  
JPC/dtq/1540777

**EXHIBIT 8**

## **EXHIBIT 9**

## Business Record Details »

Minnesota Business Name

**The Misfits Collective**

**Business Type**

Assumed Name

**MN Statute**

333

**File Number**

1199625200022

**Home Jurisdiction**

Minnesota

**Filing Date**

12/11/2020

**Status**

Active / In Good Standing

**Renewal Due Date**

12/31/2021

**Principal Place of Business Address**

1286 Lone Oak Rd

Eagan, MN 55121

USA

**Nameholder**

**Nameholder Address**

Tony Donatell

1286 Lone Oak Rd, Eagan, MN 55121

### Filing History

## Filing History

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## EXHIBIT 9

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## EXHIBIT 9

## **EXHIBIT 10**

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**From:** Thomas Phung <[tom@mnpatentlaw.com](mailto:tom@mnpatentlaw.com)>  
**Sent:** Tuesday, September 7, 2021 11:48 AM  
**To:** Fronek, Todd R. <[tfronek@larkinhoffman.com](mailto:tfronek@larkinhoffman.com)>  
**Subject:** RE: The Misfits Collective

This Message Is External to Larkin Hoffman.

---

Hi Todd,

I will forward your email to Tony Donatell. Fyi, he is currently looking for a second opinion so i am not sure exactly what he wants to do.

Tom

Thomas N. Phung  
Intellectual Property Attorneys  
JOHNSON & PHUNG, LLC  
Suite 285  
One West Water Street  
Saint Paul, Minnesota 55107-2080

**Direct email:** [tom@mnpatentlaw.com](mailto:tom@mnpatentlaw.com)  
Phone: (651) 222-3775  
Fax: (651) 222-3776  
[www.mnpatentlaw.com](http://www.mnpatentlaw.com)

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---- On Tue, 07 Sep 2021 08:09:58 -0500 **Fronek, Todd R.** <[tfronek@larkinhoffman.com](mailto:tfronek@larkinhoffman.com)> wrote ----

Hi Tom,

We have yet to receive any form of proposal for you pertaining to The Misfits Collective ceasing use of my client's MISFIT mark in connection with restaurant services. As you may know, the USPTO has issued Reg. Nos. 6,466,477 and 6,466,478 for my client's MISFIT marks. Attached are copies of the registrations for your reference.

We will provide you until September 10 to provide assurance that your client will cease using the mark immediately. Otherwise, we will have to pursue further legal action.  
Please do not hesitate to contact me with any questions.

Regards,  
Todd

**Todd R. Fronek**

**Shareholder**

direct | 952-896-3295  
fax | 952-842-1715  
8300 Norman Center Drive  
Suite 1000  
Minneapolis, MN 55437-1060  
[www.larkinhoffman.com](http://www.larkinhoffman.com)

---

**From:** Thomas Phung <[tom@mnpatentlaw.com](mailto:tom@mnpatentlaw.com)>  
**Sent:** Thursday, August 26, 2021 3:47 PM  
**To:** Fronek, Todd R. <[tfronek@larkinhoffman.com](mailto:tfronek@larkinhoffman.com)>  
**Subject:** RE: The Misfits Collective

This Message Is External to Larkin Hoffman.

---

Great, chat with you then Todd.

Thank you,

Tom

Thomas N. Phung  
Intellectual Property Attorneys  
JOHNSON & PHUNG, LLC  
Suite 285  
One West Water Street  
Saint Paul, Minnesota 55107-2080

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---- On Thu, 26 Aug 2021 15:44:56 -0500 **Fronek, Todd R.** <[tfronek@larkinhoffman.com](mailto:tfronek@larkinhoffman.com)> wrote ----

Yes, that would be great. My information is below.

**Todd R. Fronek**  
**Shareholder**  
direct | 952-896-3295  
fax | 952-842-1715  
8300 Norman Center Drive  
Suite 1000  
Minneapolis, MN 55437-1060  
[www.larkinhoffman.com](http://www.larkinhoffman.com)

---

**From:** Thomas Phung <[tom@mnpatentlaw.com](mailto:tom@mnpatentlaw.com)>  
**Sent:** Thursday, August 26, 2021 3:38 PM  
**To:** Fronek, Todd R. <[tfronek@larkinhoffman.com](mailto:tfronek@larkinhoffman.com)>  
**Subject:** RE: The Misfits Collective

This Message Is External to Larkin Hoffman.

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2pm is good for me. Do you want me to call you?

Thomas N. Phung  
Intellectual Property Attorneys  
JOHNSON & PHUNG, LLC  
Suite 285  
One West Water Street  
Saint Paul, Minnesota 55107-2080

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---- On Thu, 26 Aug 2021 15:37:25 -0500 **Fronek, Todd R.**  
<[tfronek@larkinhoffman.com](mailto:tfronek@larkinhoffman.com)> wrote ----

How about 2pm?

---

**From:** Thomas Phung <[tom@mnpatentlaw.com](mailto:tom@mnpatentlaw.com)>  
**Sent:** Thursday, August 26, 2021 3:24 PM

**To:** Fronek, Todd R. <[tfronek@larkinhoffman.com](mailto:tfronek@larkinhoffman.com)>  
**Subject:** RE: The Misfits Collective

This Message Is External to Larkin Hoffman.

---

Hi Todd,

Monday should work for me. What time would work best for you?

Tom

Thomas N. Phung  
Intellectual Property Attorneys  
JOHNSON & PHUNG, LLC  
Suite 285  
One West Water Street  
Saint Paul, Minnesota 55107-2080

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----- On Thu, 26 Aug 2021 15:16:43 -0500 **Fronek, Todd R.** <[tfronek@larkinhoffman.com](mailto:tfronek@larkinhoffman.com)> wrote -----

Hi Tom,

I hope you are doing well. Are you available on Monday?

Let me know.

Regards,  
Todd

---

**From:** Thomas Phung <[tom@mnpatentlaw.com](mailto:tom@mnpatentlaw.com)>  
**Sent:** Thursday, August 26, 2021 12:24 PM  
**To:** Fronek, Todd R.

<[tfronek@larkinhoffman.com](mailto:tfronek@larkinhoffman.com)>  
**Subject:** RE: The Misfits Collective

This Message Is External to Larkin Hoffman.

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Hi Todd,

Tom Phung from Law school. Tony Donatell of the The Misfits Collective has asked me to review your August 16, 2021 letter to The Misfits Collective and reach out to you to discuss this matter further.

Please let me know if you have any time in the next week or so to discuss.

Thank you,

Tom

Thomas N. Phung  
Intellectual Property Attorneys  
JOHNSON & PHUNG, LLC  
Suite 285  
One West Water Street  
Saint Paul, Minnesota 55107-2080

**Direct email:** [tom@mnpatentlaw.com](mailto:tom@mnpatentlaw.com)

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